

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO: 20660 of 2005

Dated: 09-03-2006

Between:

Etti Aswapathi

..... PETITIONER

AND

Senior Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Vijayawada and another

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No.20660 of 2005

ORDER:

This writ petition is filed seeking a declaration that the action of the first

respondent in selecting and notifying the second respondent for establishment of Kisan Seva Kendra Operator at Wazedu, Khammam District for distributing diesel and lubricating oils contrary to the norms provided for selection is arbitrary and illegal.

The facts which are not in dispute are as under:

The first respondent-Indian Oil Corporation Limited issued a notification in the local dailies on 30-06-2005 inviting applications for appointment of Kisan Seva Kendra Operators for various locations. One such location is at Wazedu in Khammam District under Scheduled Tribe category. The petitioner and the second respondent belong to Schedule tribe category and both of them submitted their applications in response to the notification dated 30-06-2005. However, the second respondent was selected which is under challenge in this writ petition.

It is not in dispute that the Ministry of Petroleum and Natural Gas, Government of India, prescribed detailed and exhaustive guidelines thereby prescribing parameters for assessment of the relative merits of the candidates. The first respondent corporation states that the applications received in response to the notification dated 30-06-2005 were considered strictly in accordance with the said guidelines.

However, the petitioner contends that if the relative merits of the candidates are evaluated as per the norms fixed by the Union of India i.e. with regard to the educational qualifications, age, capability to provide land and infrastructure facilities and capability to generate business and personalities, the petitioner would get more marks than the second respondent and therefore, the first respondent is not justified in selecting the second respondent.

In response to the Rule Nisi ordered on 21-09-2005, the first respondent-corporation filed a counter affidavit stating that the relative merits of the candidates have been evaluated strictly in accordance with the guidelines prescribed by the Government of India and on such evaluation, it was found that the second respondent got more marks and accordingly he was selected by the duly constituted selection committee. It is also stated that duly constituted body awarded marks objectively under the prescribed heads of

assessment and the writ petition is misconceived and the same cannot be maintained.

A perusal of the guidelines prescribed by the Ministry of Petroleum and Natural Gas, Government of India shows that the evaluation of candidates shall be made following the parameters specified under the clause No.7 which runs as under:

“Evaluation of candidates

Each candidate during the interview will be assessed by the Selection Committee broadly under the following parameters:

- a. *Capability to provide
land and infrastructure/facilities 20 marks*
- b) capability to provide finance 25 marks*
- c) Educational qualifications 15 marks*
- d) Capability to generate business 10 marks*
- e) Age 4 marks*
- f) Experience 4 marks*
- g) Business ability/acumen 5 marks*
- h) Personality 2 marks*

Total 85 marks

Minimum qualifying marks

*(for OP category applicants) 60% of the applicable
marks*

Minimum qualifying marks

*(for reserved category applicants) 50 % of the applicable
marks*

Scheduled caste/Scheduled tribe candidates for locations reserved for them will not be judged under the heads “Capability to provide land and infrastructure/facilities.

Organized bodies will not be judged under the parameters Educational qualifications, age and personality.”

From the above extracted parameters, it is clear that though so far as the assessment under the head of capability of the candidates to provide land and infrastructure facilities is concerned, 20 marks have been provided, in respect of candidates belonging to scheduled caste and scheduled tribe, their merit will not be judged under the said head.

Hence, the mere fact that the petitioner has shown Ac.3.83 cents of his own land for establishment of Kisan Seva Kendra, which is situated in a permanent place where sufficient business will be gathered and which is at a distance of 2 ½ k.ms. from Wazedu, is immaterial and irrelevant and the first respondent has rightly not taken into consideration the said fact while awarding marks under different heads as specified under clause 7 of the guidelines.

At any rate, since admittedly, the selection was made by a duly constituted selection committee consisting of experts, who have awarded marks in terms of the parameters prescribed under the guidelines, the law is well settled that this Court in exercise of jurisdiction under Article 226 of the Constitution of India will not sit in appeal against the decision of such expert body particularly in the absence of malafides.

For the aforesaid reasons, the procedure followed by the first respondent cannot be held to be vitiated by any patent material irregularity warranting interference by this Court.

The writ petition is accordingly dismissed. No costs.

G.ROHINI,J

Dated: 09-03-2006

Klp/ghn